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Free Again

In Its Hawkish New Mood Congress Is Too Eager to Remove CIA Restraints

By DAVID WISE

The smile on the face of Adm. Stansfield Turner told it all. It was there for 50 million Americans to see during President Carter's Jan. 23 State of the Union speech. The television cameras focused on the CIA director just as Carter came to the part about removing "unwarranted restraints" on the intelligence agency.

The admiral's smile lit up the screen. There was his old Annapolis classmate, the President of the United States, ready once again to unleash the CIA. In that brief moment, one could easily visualize the agency rising from the ashes of intelligence reform.

The CIA's timing is flawless. In the present hawkish atmosphere in Washington, intelligence reform has become almost a dirty word, an X-rated idea whose time has come—and probably gone. Thanks to the Ayatollah Ruhollah Khomeini, the Soviet takeover in Afghanistan and Carter's hard-line foreign policy, the emphasis now is on strengthening the CIA's powers and punishing its critics with jail sentences and fines.

All but forgotten are the abuses that were revealed by a Senate investigation in a much different atmosphere five years ago, when a committee headed by Sen. Frank Church (D-Ida.) disclosed how the CIA had tested drugs on unsuspecting American citizens (one of whom, Dr. Frank Olson, committed suicide); how it opened first-class mail in violation of federal law, spied on the anti-Vietnam War movement in Operation CHAOS, and hired two Mafia men, Johnny Rosselli and Sam Giancana—both of whom have since met violent deaths—to try to murder Fidel Castro. The list of CIA horrors was much longer, of course.

Last month, the Senate Select Intelligence Committee, with the "virtually complete" support of President Carter, introduced an intelligence "charter" that seemed only remotely related to the findings of the Church committee. While outlawing CIA assassinations, the bill would loosen procedures for covert operations; give the agency a free hand to use the press, clergy and academics as spies, and all but exempt the CIA from complying with the Freedom of Information Act.

For a time, in the wake of the Church committee investigation, there was considerable pressure to reform the CIA, the FBI and the other intelligence agencies. Two years ago, the Senate intelligence committee, the successor to the Church panel, hammered out its first charter, attempting to define in law what the agencies could and could not do. The bill, S 2525, set off a great howl among the agencies and their conservative supporters on Capitol Hill. Too restrictive, they said.

The staff of the Senate committee diligently went back to the drawing board. An endless series of meetings ensued between the committee staff and representatives of the National Security Council, the Justice Department and the intelligence agencies. Little by little, the provisions of the reform bill were whittled away.

In the meantime, the original reform measure died at the end of 1978. It was not reintroduced last year. The new, milder version of the charter that made its appearance on Feb. 8 was supposed to have been unveiled by the White House and the Senate committee last fall. But a series of foreign policy crises intervened—first the skirmishing over SALT II, then the seizure of the hostages in Iran, then Afghanistan.

In the wake of these events, Adm. Turner and his deputy at the CIA, Frank C. Carlucci, saw the hole in the line and plunged through. Not only might it be possible to avoid any reform, but in the crisis atmosphere the agency might be able to ram through legislation vastly expanding its powers.

The President's speech had barely ended when Sen. Daniel P. Moynihan (D-N.Y.) broke ranks with his colleagues on the intelligence committee and introduced a three-pronged CIA-backed legislative package. The first part of his bill would repeal the Hughes-Ryan amendment and free the CIA to conduct more covert operations without telling Congress in advance. The second part would virtually exempt the agency from the Freedom of Information Act, and the third is a mini-Official Secrets Act that would punish government officials and—until Moynihan later modified his position—the press and other citizens who talked or wrote about the agency if "identities" were revealed.

Moynihan's ploy was not designed to endear him to Sen. Birch Bayh (D-Ind.), chairman of the Senate Select Committee on Intelligence, or to Sen. Walter D. Huddleston (D-Ky.), who heads the subcommittee that has been trying to salvage a CIA charter bill.

In varying form, all three of the features of the bare-bones Moynihan bill are contained in the Carter-backed CIA charter package. The danger, however, is that Congress in an election year—and amid the relentless beating of war drums—will choose to pass only the three pro-CIA parts of the package and abandon all or most of the curbs on the agency.

There is broad support in Congress for repeal of the Hughes-Ryan amendment, which has required the CIA to report covert operations to as many as eight congressional committees.

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